

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

October 25, 2019



OPERATIONS BRANCH Status Report and Work Activities

Enforcement Section

1. CVFPB Enforcement Program

Staff continues to process encroachment cases by Notices to Comply (NTC) or Notices of Violation (NOV). Status (since last month's report):

- Cases being investigated for appropriate action: 51
- NTC/NOV being drafted for management review: 6
- NTC/NOV currently under management review: 1
- NTC/NOV mailed to landowner/responsible party: 4
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 40
- Based on enforcement case, permit applications received: 0
- Cease & Desist Order being prepared: 2
- Cease & Desist Order mailed/ CVFPB meeting scheduled: 0
- Notice to Proceed issued: 2
- Enforcement cases closed: 5

2. Local Maintaining Agency Coordination

Staff continues to coordinate with Local Maintaining Agencies (LMA) as more elect to participate in U.S. Army Corps of Engineers (USACE) System-Wide Improvement Framework (SWIF) program to regain eligibility for the federal Public Law (PL) 84-99 Program. A Letter of Intent (LOI) prepared by the LMA precedes the SWIF reports. Because USACE evaluates federal levees by system, it is possible for multiple LMAs to participate in the SWIF program together if their levees are part of the same system.

- **SWIF reports**
 - No new updates for this month.

- **LOI reports**

- Reclamation Districts 537, 785, 827, 1600 (jointly as a system) have submitted a draft LOI for USACE review.

3. PL 84-99 Rehabilitation Assistance Status

2017 Flood Damage Repairs:

LMAs that are active in the PL 84-99 Program may request repair of flood risk reduction projects that were damaged due to flooding between January and March 2017. Rehabilitation assistance is being provided by USACE only when work is economically justifiable, the damage was sustained during the 2017 flood events, and the estimated cost of repairs is over \$15,000.

- There are 22 scheduled PL84-99 repair sites for 2019 and 2020:
 - 3 sites (1 in Calaveras River and 2 sites in Yolo Bypass) have been completed and the final walkthroughs are being scheduled.
 - 8 sites are scheduled for repair in October-weather pending.
 - 11 remaining sites are scheduled for 2020.
- Staff continues to participate in weekly PL 84-99 coordination calls with USACE and the Department of Water Resources (DWR).

2019 Flood Damage Repairs

On May 23, 2019, USACE opened PL 84-99 program to provide repair assistance resulting from flood damages to flood control project facilities during the flooding periods of February 13 – 15, 2019 and February 24 – March 1, 2019. A total of 51 damaged sites were submitted by 13 LMAs and these were forwarded to USACE on June 28, 2019. USACE has currently determined that only five (5) of the 51 sites may be eligible for PL 84-99 rehab assistance. Site visits to the five sites took place on August 7, 2019 for preparation of the Project Inspection Report (PIR). USACE, CVFPB staff and LMAs were present during these site visits. USACE anticipates issuing formal letters for eligible/non-eligible sites by the end of October 2019.

USACE Sacramento District has submitted one of the repair sites (located in Reclamation District 70) for funding approval from USACE Headquarters. The funding was approved by USACE Headquarters in September and the contract has been awarded. Repairs are scheduled to start mid-October and be completed before November 1, 2019.

4. Recent Storm Damage DWR Rehabilitation

2017 Flood Damage Repairs:

DWR is prioritizing identified damage sites that were not approved by USACE because the damage site(s) or the levee system does not meet USACE criteria. Staff is assisting with site inspections and priority review.

In 2017 and 2018, DWR repaired the sites evaluated as “critical”. In 2019, DWR intended to repair 28 sites evaluated as “serious” sites. However, due to the timeframe needed to acquire the necessary permits, these “serious” sites (along with remaining sites) will be repaired in 2020.

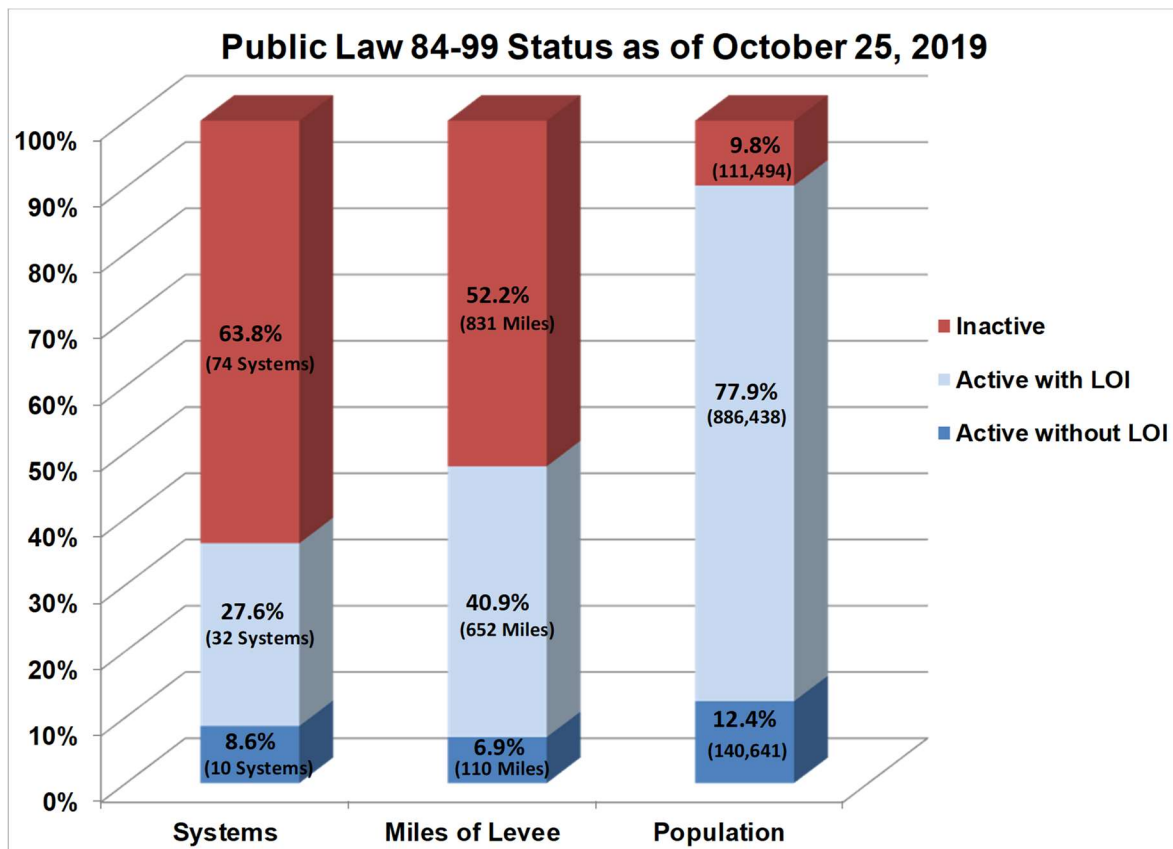
2019 Flood Damage Repairs:

In 2019, the repair sites that were considered ineligible for 2019 PL84-99 funding will be reviewed by DWR and added to the current list of storm damage repair sites and evaluated based on severity of damage.

5. PL 84-99 Levee System Status

The data and chart below represent the most updated information about the PL 84-99 Program Eligibility as of October 25, 2019:

- 74 systems are “inactive” and include the 12 LSJLD systems.
- 32 are “active with LOI”.
- 10 systems are “active without LOI”. The 10 systems in the graph below are “active without LOI” because the systems successfully passed USACE re-inspection.



6. Staff News

- Interviews for an Enforcement Engineer (Water Resources Engineer) were conducted the first week of October and we anticipate making an offer to the selected candidate by the end of October.

Permitting Section

Permitting staff participates in monthly coordination meetings with CVFPB staff and representatives from DWR's Inspection Section and the USACE Levees and Channels Branch (Section 408). The meetings focus on USACE inspections/re-inspections/levee screenings and CVFPB encroachment updates. DWR inspectors bring on-the-ground insight to the discussion. A brief overview of the items discussed that are relevant to the Permitting Section are presented below.

- **Deferred Maintenance Program (DMP):** As reported last month, DWR has lined 62 system feature drainage pipes in Putah Creek, Willow Slough, Butte Creek, and Cherokee Canal. DWR estimates that only half of the Local Maintaining Agencies have signed-up to participate in the program. The program is currently on hold due to water being in most of the pipes due primarily to the draining of rice fields. The program will recommence as soon as conditions will allow.
- **USACE Routine Inspections:** Inspections of Reclamation District No. 784 will begin the first week of November. Inspections of the Sacramento River West Side Levee District, Reclamation District No. 108, and Knights Landing Ridge Drainage District will begin the last week of November.

1. Outreach/Pre-Application

- Staff presented at the 2019 California Preseason Flood Coordination Meetings held in West Sacramento (Yolo County), Atwater (Merced County), Orland (Glenn County), Redding (Shasta County), and Stockton (San Joaquin County). The Sutter County Meeting will be held in Yuba City on October 29th.
- Beginning this month, Operations and Environmental staff will be meeting with USACE 408 Permissions Section staff to discuss any outstanding issues. Meetings are initially being scheduled for every other month but will occur more often if necessary.
- Staff met with representatives from DWR to discuss USACE 408 permitting requirements for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project.
- A pre-application meeting was held with USACE and proponents for the proposed Black Rascal Creek Flood Control Project that will reduce flooding within the City of Merced and Merced County.

2. Staff News

- No updates this month.

3. Encroachment Permit Applications

The table below provides a general overview of the number of applications being reviewed by staff and where the applications are in the review process. The numbers in the table show the review activity that occurred during the month of September 2019. Including the 19 new applications received in September 2019, there are a total of 132 applications that are considered in active status. This includes all applications being managed/reviewed by staff in the Permitting Section, the Enforcement Section, and the Plan Implementation and Compliance Branch.

Table 1: Encroachment Permit Application Summary

Application Review Activity Summary	August 2019
Applications Received	19
Scheduled as an EO Delegated Permit	6
Scheduled for Consent Calendar	19
Scheduled as a Hearing	1
Incomplete Letters Sent	2
Applications Withdrawn	0
USACE Application Transmittals Sent	4
USACE 30-Day Incomplete Letters Received	9
USACE Permission Letters Received	4
Permits Conditionally Approved by CVFPB	0
Permits Issued	2

As noted in the table above there were 6 applications scheduled as Executive Officer (EO) delegated permits in September 2019. Information related to EO delegated permits is required to be posted on the CVFPB's website for 30 days prior to decision and permit issuance per CCR, Title 23, Division 1, Section 5. Staff completed the review of 4 EO delegated permits in September 2019, these projects were posted to CVFPB's website the second week of October 2019. Additional information about Executive Officer Delegated Permits can be viewed on the CVFPB website@: <http://cvfpb.ca.gov/permitting/delegated-permits/>

Inspection Section

1. Staff News

- Review of applications to backfill the vacant Water Resource Engineer position in the Inspection Section is underway. Interviews are planned to be scheduled this month.

2. Inspection Program Updates

- DWR's Sutter Maintenance Yard completed construction of the culvert along the east bank of the Western Pacific Interceptor Canal this month. It was completed within the construction window allowed by US Fish and Wildlife Service, and our inspector is working with the Sutter Maintenance Yard to complete the record drawings and finalize project closeout items.
- The Oracle database used by the Permitting and Inspection Sections is being overhauled after weeks of coordination with California Data Exchange Center (CDEC) staff. The result will be a streamlined set of activities and milestones that staff can use to track permit approvals and inspection activities under the purview of the Operations Branch.
- Staff is continuing to field inspect construction of newly-permitted encroachments as well as reconstruction and repair of existing permitted encroachments. These inspections are in support of our permitting and enforcement sections.
- Inspection Section staff is working with Enforcement Section staff to develop a process to prioritize outreach to owners of underground utilities (such as irrigation pipes) to begin the repair process. This effort is meant to proactively address failing pipes before they become an urgent threat to levee performance.

3. Coordination

- On October 7, 2019, staff facilitated the monthly coordination meeting with CVFPB staff, USACE Levees and Channels (Section 408) and inspection staff, and DWR-Flood Project Inspection and Integrity Branch. Topics included 2017 and 2019 storm damage repair updates, and planned PL84-99 inspection activities.
- On October 8, 2019, Inspection and Enforcement staff participated in a conference call with USACE and Local Agencies on the data being collected for a USACE Routine Inspection in Sacramento River West Bank (RD 108) District and the RD 784 area planned for November through mid-January. CVFPB staff is seeking clarity on USACE data that will be delivered by

USACE in the resulting report and offered inspection information to the USACE inspectors to aid in cross-referencing records while in the field.

4. Permit and Inspection Fee Implementation

- As of the date of this report, twenty-seven applications have been received with corresponding fees for permit review and inspections. Staff finalized a reference document for consistent application of fees for encroachment permit applicants. For program details, Frequently Asked Questions, and the encroachment permit and inspection fee schedule, see our website at www.cvpfb.ca.gov/fees.

5. Automatic Board Order (ABO) Encroachment Reclassification Updates

- Management has approved language for template letters. Letter mailing has been delayed until additional staff is backfilled. Therefore, the progress summary below has not changed from the previous month's report.

ABO Encroachment Reclassification Progress							
	Research		Outreach		Processing		
	Total Encroachments	Desk Study Complete	Letter Sent	Response Received	System Feature Confirmed	Permit Needed	Under Enforcement
Putah Creek	180	180	0	0	0	0	0
Undetermined	0	0	0	0	0	0	0
System Features	159	159	0	0	0		
Private Encroachments	21	21	0	0		0	0
Willow Slough	95	95	0	0	0	0	0
Undetermined	0	0	0	0	0	0	0
System Features	87	87	0	0	0		
Private Encroachments	8	8	0	0		0	0

Note: This list includes only ABOs within the extents of repairs initiated by the Deferred Maintenance Project on Putah Creek and Willow Slough.